

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PIU MANAGEMENT, LLC §
§
VS. § CIVIL ACTION NO. H-08-2719
§
INFLATABLE ZONE INCORPORATED §

O R D E R

On April 3, 2009, this Court conducted a Hearing on pending Motions in the above-styled and numbered cause. Plaintiff, PIU Management, LLC, appeared through counsel; Defendant, Inflatable Zone Incorporated, although notified of the Hearing failed to appear. The Court, having considered argument from Plaintiff's counsel is of the opinion that the following Orders are appropriate.

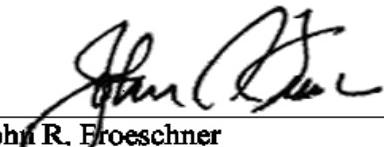
It is **ORDERED** that "Plaintiff PIU Management LLC's Motion to Strike Inflatable Zone's Special Appearance and Opposition to Motion for Default Judgment and Request for Complaint Dismissal" (Instrument no. 15) is **GRANTED**. On February 26, 2009, Warren Blake Roberts, President of the Defendant corporation filed "Inflatable Zone's Special Appearance and Opposition to Motion for Default Judgment and Request for Complaint Dismissal." Thereafter, on March 18, 2009, he filed "Inflatable Zone's Special Appearance to: Request Court to Sustain Initial Special Appearance Request Motion to Strike all Pleadings Filed by Plaintiff Request to Uphold Motion for Opposition to Default Judgment and Request for Complaint Dismissal." Both filings were signed by Roberts on behalf of the Defendant; however, the Defendant is a corporation and as such can only be represented by licensed counsel. Accordingly, the Court may strike a pleading filed on behalf of a corporation by someone other than a licensed attorney. See Donovan v. Road

Rangers Country Junction, Inc., 736 F.2d 1004, 1005 (5th Cir. 1984) Roberts' attempt to appear in this action representing Inflatable Zone Incorporated is not permissible and, therefore, "Inflatable Zone's Special Appearance and Opposition to Motion for Default Judgment and Request for Complaint Dismissal" and "Inflatable Zone's Special Appearance to: Request Court to Sustain Initial Special Appearance Request Motion to Strike all Pleadings Filed by Plaintiff Request to Uphold Motion for Opposition to Default Judgment and Request for Complaint Dismissal" (Instrument nos. 10 and 19) are hereby **ORDERED STRICKEN**.

It is further **ORDERED** that Plaintiff's "Motion to Retain and Request for Extension of Time to Re-Serve Defendant" (Instrument no. 18) is **GRANTED**; Plaintiff **SHALL** have **120 days** from April 1, 2009, to attempt to perfect service, if necessary, upon Defendant, Inflatable Zone Incorporated.

Any consideration of Plaintiff's Motion for Default Judgment (Instrument no. 8) **WILL** be **DEFERRED** at this time subject to reconsideration without the necessity of re-filing at a time which may appropriate in the future.

DONE at Galveston, Texas, this 6th day of April, 2009.



John R. Froeschner
United States Magistrate Judge